

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

HARRY SITREN	§	PLAINTIFF
	§	
v.	§	Civil No. 1:10CV227HSO-JMR
	§	
EMERITUS d/b/a LOYALTON BILOXI	§	DEFENDANT

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO
DISMISS, OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT,
GRANTING DEFENDANT'S MOTION TO STAY AND
PLACING CASE ON SUSPENSION TRACK**

BEFORE THE COURT is Defendant's Motion to Dismiss for Failure to State a Claim, or in the alternative, for Summary Judgment, or in the alternative, to Stay the above captioned cause filed June 14, 2010 [3-1]. Plaintiff filed a Response [11-1]¹ and Defendant a Rebuttal [14-1]. The Court has reviewed the Motion, Response, Rebuttal, the pleadings on file, and the relevant legal authorities, and finds that because the parties are presently scheduled to conduct a mediation on October 26, 2010, Defendant's Motion to Stay should be granted, and the above captioned cause should be removed from the active docket and placed on the suspension track. The Court further finds that the remainder of Defendant's Motion should be denied, without prejudice, and with leave to reassert, if necessary, subsequent to the mediation. Accordingly,

IT IS, ORDERED AND ADJUDGED that, Defendant's Motion to Stay the above captioned cause filed June 14, 2010 [3-1] should be and hereby is

¹ Plaintiff does not oppose Defendant's Motion to Stay.

GRANTED.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the remainder of Defendant's Motion [3-1] should be and hereby is **DENIED WITHOUT PREJUDICE, WITH LEAVE TO REASSERT**, if necessary, upon conclusion of the mediation and upon lifting of the stay in this case. Within 30 calendar days of the mediation, or no later than November 26, 2010, the parties shall inform the Court whether this case was resolved through mediation or, in the alternative shall move the Court to lift the stay.

SO ORDERED AND ADJUDGED, this the 20th day of September, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE